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Reforming Theology Inside and Out: Mass Incarceration in the US

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"I was in prison and you visited me." (Mt. 25:37 NRSV)

The reality of mass incarceration in the United States, where 2.2 million people are currently serving lengthy sentences in constricted and heavily fortified spaces, clearly calls for political reform. In this paper, I describe the situation, reflect theologically upon the spatial division between insiders (those incarcerated) and outsiders (those living outside of prison walls), and offer a response. The themes considered include: proximity and distance, place and space, racial and class-based othering, solidarity, and the body of Christ. Numerous legal and political reforms are needed to address the racial injustice and punitive nature of the current system. One reforming response is described: that of teaching students from inside and outside together in theological classrooms inside prisons. The reformation of mass incarceration requires complex political and theological responses that break down the geographic and cultural walls that divide and isolate insiders and outsiders from each other.

I: Reforming Space: The situation of mass incarceration in the US

The reality of mass incarceration in the US is now well-known. The total number of persons incarcerated in state, local, and federal facilities hovers around 2.2 million. The United States now has the highest rate of incarceration in the world, higher than that of Russia, China, or Iran (Alexander 2010, 6). Notably distressing is the racial make-up of the U.S. prison population, which is disproportionately black and brown.[1] Michelle Alexander points out that "the US imprisons a larger percentage of its black population than South Africa did at the height of Apartheid," and that in Washington, DC, three out of four young black men can expect to serve time in prison (Alexander 2010, 6–7).

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This is a situation that fairly cries out for reformation of place and space. In three parts, this paper: describes the situation of mass incarceration in the US in more detail, reflects upon it theologically, and illustrates one pastoral, activist response to the situation. Part I briefly describes the history and contours of mass incarceration, emphasizing both its racist roots and the resulting contemporary realities that enforce distances between incarcerated persons, who are disproportionately darker skinned, and the rest of the population (insiders and outsiders). This

1 Over sixty percent of the prisoners in the US are persons of color. For a detailed account of racial disparities, see The Sentencing Project: http://www.sentencingproject.org/issues/racial-disparity/.

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section includes a description of the harsh practice of solitary confinement, a use of space that confines and isolates particular incarcerated persons from any vestige of human community. Part II brings theological reflection to bear upon this situation. In conversations with activists and theologians, I consider themes of proximity, distance, place, and space. The prevalence of racial othering is juxtaposed with notions of the centrality of the body in the life of the body of Christ. Part III offers a response to this unjust and unfaithful situation, emphasizing the need for proximity, for bringing insiders and outsiders together across spatial and cultural barriers.

In *The New Jim Crow: Mass Incarceration in an Age of Colorblindness*, Alexander reviews how the "war on drugs" language came into use in the 1970s when it became politically expedient to talk about getting tough on drugs. The war on drugs has driven up the US prison population from about 300,000 in 1970 to more than 2.2 million people today. Unlike in countries such as Norway, where the penal system seeks to rehabilitate and return prisoners to common life (Benko 2015), in the US, prisons are heavily armed places where punishment more than rehabilitation appears to be the goal.[2] Compounding the harmful effects of mass incarceration on those imprisoned is the collateral damage to 2.7 million children in the US who have at least one parent in prison (The Pew Charitable Trust 2010).

The recent documentary film, "13,th" named after the 13th Amendment of US constitution,[3] helpfully lays out the way this phenomenon of mass incarceration came into being in the context of presidential politics. Beginning at least as far back as the Nixon administration in 1969, a very intentional strategy was used to associate African Americans with violent crime, to whip up fear of the dark-skinned other, and thus to challenge the hard-won freedoms of the civil rights movement. This "Southern strategy," as it was called, was wildly successful in demonizing darker-skinned and poorer people in the name of law and order (a phrase that the current administration has brought back into use). After Jimmy Carter's one term in office, Ronald Reagan re-invoked Nixon's language of a "war on drugs," which was particularly focused on crack cocaine, a less expensive form of cocaine, more available to poorer people than the expensive powder. For possession of crack, unduly harsh prison sentences were imposed. George H. W. Bush was then elected president, in part by portraying his Democratic opponent, Michael Dukakis, as "soft on crime," and using the infamous Willie Horton ads to convey the clear racial meaning of the term "crime." In fact, the word "crime" had become code for "black," but in case anyone missed the point, a mugshot of William Horton, showcasing his dark skin, appeared in ubiquitous television ads. Learning from his opponents, candidate Bill Clinton decided that he needed to project an image of a new kind of Democrat, one who was not afraid to lock up criminals. He employed this approach in both elections, using the baseball metaphor of "three strikes and you're out" to show just how tough he was. He signed new laws that made mandatory life sentences for third felony offenses. Over a period of thirty years, we saw rapid expansion of the prison industrial complex in the US, with a large percentage of the new prison population confined for non-violent, drug-related claims.

While the rates of drug use in the US are roughly equal across the lines of color and class, the individuals who are picked up, arrested, charged, convicted, and imprisoned for buying and selling illegal drugs are disproportionately poorer and darker-skinned (Alexander 2010, 95–96). This is in part because police officers are routinely sent into poor and racially segregated neighborhoods in order to make drug arrests, and in fact, they are incentivized to do so (Blumenson and Nilson 1998). Meanwhile, in predominantly white suburban neighborhoods, as well as on many college campuses, such searches are rare and arrests are few. It has been convincingly argued that the practice of mass incarceration is historically related to the institution of slavery and in fact is a new form of enslavement that functions to preserve racial and class divisions in this country (Blackmon 2009).

One of the worst practices related to incarceration is that of solitary confinement. This is a particularly pernicious punishment that is estimated to affect 90,000 prisoners across the US on any given day. Solitary confinement involves locking a prisoner in a

2 For example, in 2014 the US Department of Justice compiled a detailed report of abuse of minors at Rikers Island. See http://s3.documentcloud.org/documents/1240461/department-of-justice-letter-about-rikers-iland.pdf.

3 The Thirteenth Amendment reads: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." For a trailer from the documentary "13,th" see https://www.youtube.com/watch?v=V66F3WU2CKk.

small concrete cell, usually 4’ by 8’ in size, which may be windowless, isolated, and completely cut-off from human community. In many prisons, a term of solitary confinement is used as a punishment for insiders who break prison rules. Other prisons, such as the infamous Louisiana State Penitentiary named Angola, “automatically and permanently place(s) prisoners sentenced to death” in solitary confinement (Stack 2017, A-17). In Angola, those in solitary are confined to windowless concrete cells for 23 out of 24 hours a day, with only one hour during which they are allowed to leave the cell, shower, and make phone calls (Stack 2017, A-17). The damaging effects of solitary confinement are well documented. We know that psychological wellbeing depends on human relationships, involving eye contact and touch (Lewis, Armini, and Lannon 2000, 80–87). Such deprivation of human contact is especially harsh for those with psychiatric conditions.

GQ magazine recently published an article called, “Buried Alive: Stories from Inside Solitary Confinement” (Penn 2017). These painful stories are based on written interviews with 47 persons in solitary confinement in prisons across the country. Insiders speak of terrible smells and loud clanging sounds, of fluorescent lights left on all night, and of the mental and emotional breakdown that many experience due to sensory overload, sleep deprivation, meager portions of rotten food, extreme cold or heat, and damage to body and brain. (Ironically, it is currently illegal in the US to subject laboratory rats to these conditions). One insider said: “It is the place they dump the trash they most want to be forgotten.” Perhaps unsurprisingly, suicides and suicide attempts are rampant in solitary populations, as are increased levels of psychiatric illnesses, anger, frustration, and fear (Penn 2017). Also unsurprisingly, in New York City, prisoners in solitary are three times more likely to be black, and twice as likely to be Latino, so the unjust distribution of this punishment, as in the case of the death penalty, mirrors the larger pattern of disproportionate rates of incarceration based on race.

The damage inflicted by mass incarceration includes what happens to prisoners who have served their time and are released from prison. At present, if someone has been convicted of a felony or pled to one, that person’s chances of finding employment are quite limited since they must check a box on almost every employment application indicating any past convictions. Additionally, formerly incarcerated persons are permanently barred from living in public housing and from receiving food stamps. In many states, former felons cannot even vote. It is not hard to see why Michelle Alexander claims that we have created a new Jim Crow, a racial lower caste system—not class, but caste—because many formerly incarcerated persons find that their freedoms are severely curtailed for the rest of their lives. And this inevitably has an adverse impact on their children’s lives as well, whether by depriving them of the chance to live with their formerly incarcerated parent, or by impoverishing them for extended periods of time.

II: Theology: Proximity, Distance, Race and Place

In looking at these phenomena of place, race, and confinement from a practical theological point of view, it is obvious that reform is in order. In particular, the great divisions between insiders and outsiders, those in prison and those who are free, mapped as they are to racial and class distinctions, cry out for attention. In recent years, as reformers of various stripes—attorneys, educators, politicians, journalists, religious groups, and non-profits—have worked to redress this troubling situation, it has become clear that US prisons function not only to keep prisoners in, but also to keep the rest of society out. The physical walls surrounding prisons block the view from both sides. These walls, both physical and cultural, may prevent insiders from seeing even the treetops on the land around them, while also restricting outsiders from entering, observing what goes on inside, and forming relationships with those who are incarcerated.

The noted civil rights lawyer and activist, Bryan Stevenson, in his book *Just Mercy* (Stevenson 2014), stresses the importance of experiencing *proximity* to incarcerated persons. As a young law student and intern with the Southern Prisoners Defense Committee, he was sent to speak with a man on death row in a prison outside of Jackson, Georgia. Reflecting on this experience, he writes, “Proximity to the condemned and incarcerated made the question of each person’s humanity more urgent and meaningful, including my own” (Stevenson 2014, 12). Stevenson’s legal work brought him *close* to insiders, such as those on death row in Holman Correctional Facility in Atman, Alabama, where the men spoke of smelling human flesh burning after executions were conducted using the electric chair, just down the

hall from their own cells. Stevenson, meeting there with his client who was later exonerated, saw and felt the terror that death row and the death penalty inspire. He also gained proximity to incarcerated persons who, when they were 13, 14, and 15 years old, had been charged and convicted as adults and sentenced to life in prison. Stevenson also got to know men and women convicted as felons in plea-deals because they had inadequate representation, as well as those who had been convicted in trials where black jurors were regularly excluded from serving in cases involving black defendants. Spending time in close contact with insiders and with their families on the outside is what led Stevenson to engage in his now well-known work of reforming the legal system through an organization called the Equal Justice Initiative. EJI has worked to overturn numerous unjust convictions, to challenge the legality of sentencing underage youth as if they were adults, and to reform racist jury selection processes, along with many other important initiatives (Equal Justice Initiative 2017).

If *proximity* between insiders and outsiders makes the humanity of both sides more urgent, the converse is also true: our humanity is diminished by the *distance* between us. In the US, many prisons have been built in obscure places, miles away from urban centers, in order to protect the presumed-to-be-innocent general population from the convicted and presumed-to-be-dangerous criminals. Whilst an argument may be made that society needs protection from the most violent offenders, such extreme physical distances and barriers function to divide insiders and outsiders from one another in unnecessary and inhumane ways, without regard to the severity of the crime or the actual level of danger that any particular prisoner may present to outsiders. For example, when parents are incarcerated for non-violent drug-related charges, their efforts to maintain relationships with their children are hampered by the long distances children must travel, the limited visiting hours allotted, and the costs of communication including phone calls and emails. Racial and class distances are also mirrored in and reinforced by the physical barriers (walls and locks) and geographic isolation of prison buildings.

Themes of distance and proximity are addressed by liberation theologians. Gustavo Gutierrez and Jon Sobrino, for example, claim a theological warrant for *accompaniment* and *solidarity* across social, economic, and cultural borders. Sobrino notes that "the place of the church is with the 'other,' and with the most radical otherness of that other—his suffering—especially when that suffering is massive, cruel, and unjust" (Sobrino 1994, 21). The suffering in the criminal justice system is undoubtedly "massive, cruel, and unjust." But how can faith communities practice accompaniment and anything close to solidarity with those on the inside, when distance has been built into the system at so many levels?

I turn for help to the work of Mary McClintock Fulkerson, who explores the idea of place theologically. In *Places of Redemption,* she defines place not as a mere geographic site, but as a "territory of meaning" that is "held" or "gathered together" by embodied social practices (McClintock Fulkerson 2007, 27–37). McClintock Fulkerson studied the life of a Methodist congregation in Durham, North Carolina, that was intentionally trying to overcome social distances based on race and dis/abilities. However well-meaning the congregation was, certain social hierarchies, with their long historical pedigrees, were found to persist. Worship services in this place allowed for the presence of diverse persons, "marked bodies," as she calls them, in the sanctuary, but did not necessarily create a level "space to appear" for all worshippers. "Residuals of historical exclusion," McClintock Fulkerson argues, left over from long ingrained habits of segregated worship, continued to exert a force in the life of the present-day congregation. White people who ignore this residual racism, she found, can remain "oblivious" to their own exclusionary tendencies, even while proclaiming God's love for all. She asserts that redemption, if it is to take place in this world, has to do battle with forms of historical exclusion and their residuals (McClintock Fulkerson 2007, 231–245).

Here I suggest that mass incarceration is a phenomenon to which theologians ought not remain oblivious (Higginbotham 2013). Incarceration is a practice of the state, not the church, to be sure. But it is a practice that reifies race, class, and other intersectional hierarchies, distancing human beings from each other, and if Bryan Stevenson is correct, distancing all of us from our humanity. To allow the great distances between insiders and outsiders to persist unchallenged, is to give in to the "residuals of historical exclusion." A reformation of place calls us to disrupt these many-layered distances and divisions that play out in the current criminal justice system.

In her book, *Enfleshing Freedom,* M. Shawn Copeland writes, "We Christian theologians in the United States work in a house that is haunted by the

ghosts of slavery" (Copeland 2010, 2). Copeland draws upon slave narratives in order to interrogate historical memory and, in the words of Johann Baptist Metz, "respect the dignity of suffering that has accumulated in history" (Copeland 2010, 3–4). Without historical memory, or worse, with a pretense of innocence or colorblindness, it is not possible to exorcise the ghosts in this theological house. As a contextual theologian committed to social transformation, Copeland calls for "compassionate practices of solidarity … critical, healing practices that address the crusted residue of slavery in contemporary … reenactments of violence against black bodies" (Copeland 2010, 3–4).

If we do not address the "crusted residue" of embedded racism in the criminal justice system, the more privileged among us will remain "oblivious," and our theologies, our compassion, and our capacity to practice solidarity will be constrained. How does it happen that our compassion gets constrained when it comes to those in prison? Jim Higginbotham suggests that individualized theologies that emphasize personal sin and redemption can function to reinforce the distinction between insiders and outsiders. If we think of sin as a matter of individual wrong-doing, divorced from cultural context, we may say –or not say, but believe—of insiders, "'They are guilty of a crime, so I am innocent and not like them'" (Higginbotham 2015, 104). There are some psychological benefits to outsiders in this kind of thinking, benefits such as a sense of safety or even a moral logic that provides a sense of order (Higginbotham 2015, 104; 97–99.) But if we want to engage in the "compassionate practices of solidarity" that Copeland describes, we must take in the larger picture of political history, poverty, and discrimination within which the criminal justice system operates.

Copeland's theological anthropology discerns a way forward. She argues for the centrality of the body in the life of the body of Christ. Marked bodies, stigmatized bodies, all must be included in order for the church to be the body of Christ:

> The Body of Jesus the Christ, both before and after his death, radically clarifies the meaning of be-ing embodied in the world … His love and praxis releases the power of God's animating image and likeness in our red, brown, yellow, white, and black bodies—our homosexual and heterosexual bodies, our HIV/AIDS infected bodies, our starving bodies, our prostituted bodies, our yearning bodies, our young and old and joyous bodies. To stand silent before war and death, incarceration and torture … is to be complicit with empire … (Copeland 2010, 82–83).

Solidarity, as Copeland describes it, is no simple task, but a re-orientation of our lives away from the values of empire that segregate us into groups who are privileged or demeaned, and toward the radically loving ways of Jesus, who challenged social hierarchies and the domination of the Roman empire. What Copeland calls "Eucharistic solidarity" reforms our social imagination, through practices of "spatial inclusion, authentic recognition, and humble embrace" of all bodies (Copeland 2010, 127). Only thus we can resist the pull of empire in our day, and "stand the ground of Justice in the face of white racist supremacy, injustice, and domination" (Copeland 2010, 128).

Though the theologians cited here are all speaking out of their Christian faith, persons of diverse faiths as well as secular humanists are drawn to the moral imperative of recognizing the human dignity of those who are living inside prison walls. Solidarity with allies in the cause of reformation of the criminal justice system across religious, racial, and social lines is needed. Likewise, white persons must collaborate and become allies in the work of resisting the racism that has fueled the system from the start.

III: Response: A call for reformation of space, inside and out

What can be done to reform the situation of mass incarceration? What can disrupt the distances between insiders and outsiders so as to break through the historical residuals of racism? In the section of her book called "the grace of the place," McClintock Fulkerson, referring to the church she studied, found that "it is ongoing face-to-face relationships that create a place where the sinful inheritances of vilified "Otherness" can begin to be dislodged" (McClintock Fulkerson 2007, 248). Similarly, in the case of mass incarceration, face-to-face relationships between insiders and outsiders are needed to help to dislodge the residual-laden narratives of criminality, race, and Otherness that the current criminal justice system maintains. This was clearly the case in Bryan Stevenson's account, described above, of how personal encounters with insiders led him to pursue his activist legal efforts.

Practical theologians can contribute to the needed reformation of place in a variety of ways, including through research that sheds light on the criminal justice system and lifts up the voices of insiders. Pub-

lic voice and activism that challenge the most heinous and unjust practices of the criminal justice system, such as the use of solitary confinement, are also needed. For example, church-related groups in Connecticut recently helped to sponsor the exhibition of a mobile cell designed to replicate those used in solitary confinement (Inside the Box 2017). The cell was exhibited at libraries and the statehouse, where visitors could go inside and hear a recording made inside an actual solitary cell in order to imagine what the experience would be like. Another example of reforming space can be found in San Quentin, California, where outside journalists helped prisoners found and publish a thriving on-line newspaper, the San Quentin News, which is now widely distributed in prisons in California. The publication hosts a variety of articles for and about prison life (San Quentin News 2017). Efforts such as these indeed help to chip away at the walls separating insiders from outsiders and to assert our common humanity.

Some practical theologians and other educators are creating space for face-to-face relationships between insiders and outsiders by teaching courses inside prison walls. My colleague, Sarah Farmer, is one such practical theologian/prison educator, whose recent dissertation calls for "a pedagogy of restorative hope" (Farmer 2016). She finds that restorative hope is needed because "human confinement places a person's humanity under lock and key" (Farmer 2017, 2). Farmer goes on to explain that human beings need space in which to flourish, supported by other human beings who can see them—not from Foucault's "all-seeing but fractured panopticon gaze" (Farmer 2017, 4, referencing Foucault 1995, 195–228), as when guards in a tower, themselves unseen, observe prisoners' every move, yet do not see prisoners as whole human beings. Insiders, like the rest of us, need to be seen as more than the worst mistake they ever made, more than their crimes, more than their carceral identities (Stevenson 2014, 290). Insiders, Farmer tells us, need spaces in which "to realize (their) humanity authentically," spaces that function as sites of "appearing, becoming, and connection" (Farmer 2017, 9).

A growing number of scholars and educators are taking on the task of creating such spaces in classrooms inside prison walls. Teaching in prisons presents numerous challenges and constraints, which include logistical, financial, and time-related burdens. Inside most prisons, educators must deal with isolation, the rule of prison authority, and the dearth of practical resources (Bounds 2016). In US prisons, internet research is usually forbidden, and one needs permission to bring in and leave anything including books, pencils, or paper. Endless hours may be wasted when a warden decides to cancel class. If the educator is bringing outside students in, they will need security clearances, and they will likely need extra time to travel to the prisons that have been built so far away.

Emory professor of Christian Ethics, Elizabeth Bounds, writes, "In the midst of these constraints and possibilities, students and teachers in our program practice remarkable creativity … Texts and questions in theology and religious studies take on new meanings." She speaks also of incarcerated students exhibiting "the intensity of the desire to learn" (Bounds 2016). The restriction of space and access to the outside world can sometimes create a charged sense of urgency to learn. Such classes are sites where the boundaries of class and race can be interrogated and theologies of place and space explored.

Temple University offers training in a particular model of prison teaching known as the "Inside Out Prison Exchange Program" (2017). I engaged in this training, which takes place largely inside the Graterford State Prison, a high-security men's prison located on the outskirts of Philadelphia, Pennsylvania. One of the first things I learned about Graterford was that the racial make-up of the prison population is 92 % African American. There I was taught by some of the insiders who have taken many classes, and who know something about "best practices" in prison classrooms. One of the practices that the Inside Out Program emphasizes is face-to-face learning involving interactive conversations between inside and outside students. In sitting face-to-face, answering class questions, listening and speaking, human connections are made, connections that challenge and begin to dislodge social distances.

Stephen Shankman, who teaches literature and ethics in Inside Out classes, writes of teaching Dostoevsky and Levinas in prison (Shankman 2013, 143–153). He uses an exercise that arranges seats face-to-face in two concentric circles, so that insiders and outsiders sit facing each other in close proximity, while answering questions. He cites Levinas's famous reflections on the face: "There is first the very uprightness of the face: its upright exposure, without defense. The skin of the face is that which stays most naked, most destitute … There is an essential poverty in the face … The face is exposed, menaced, as if inviting us to an act of violence. At

the same time, the face is what forbids us to kill" (Levinas 1995, 86).

Reflecting on Levinas's words, Shankman notes that in face-to-face learning exercises, "one feels both vulnerable and responsible at the same time" (Shankman 2013, 146). Such teaching practices enable both insiders and outsiders to see the other as more fully human. This is an example of the kind of mutual seeing we need in order to render "the Other" visible and in order to recover our humanness (Copeland 2010, 13). Students who take these classes often report being changed by them, as do professors.[4] Commitments to political activism may be formed as the distances between us are reformed.

Conclusion

Mass incarceration in the US is a troubling phenomenon that calls for theological reflection and political reform. Rather than functioning to rehabilitate offenders, the current system functions to punish and condemn people, sometimes for life. It is a situation that leaves insiders feeling like trash, taken out of human community and then forgotten, while leaving outsiders, and particularly white people, distanced and oblivious to the suffering and injustice built into the system. In this paper, I first described the historical context of this situation and demonstrated its current dimensions. I then reflected upon "the residuals of historical exclusions" (McClintock Fulkerson 2007, 242) built into both theology and practice that have supported this unjust system of justice and allow it to continue. I made a case for active, theologically reflexive responses to this situation, highlighting in particular a rationale for theological teaching inside prisons.

Shawn Copeland writes, "Through a praxis of solidarity, we not only apprehend and are moved by the suffering of the other, we confront and address its oppressive cause … Solidarity sets the dynamics of love against the dynamics of domination" (Copeland 2010, 126). One task of love in the situation of mass incarceration involves remembering, remembering history and remembering the people left behind bars and seemingly insuperable cultural walls. Another task of love entails drawing near, increasing our proximity and diminishing the distances between insiders and outsiders, and for Christians, recognizing that marked, stigmatized bodies em-body presence of Christ in the world. A third task of love requires working to disrupt institutionalized racism and challenging the cultural narratives and public policies that enable it. A reformation of space that breaks down the walls of separation between insiders and outsiders is needed to redress the sin of racism, restore hope, and reclaim our common humanity.

4 This positive assessment of the benefits of teaching in prisons is not shared by all; for example, some prison abolitionists believe efforts to improve insiders' lives behind bars function to distract us from that larger cause. For a critical reflection on the complexity of teaching inside prisons, see Daniel Karpowitz, *College in Prison: Reading in an Age of Mass Incarceration* (New Brunswick, NJ: Rutgers University Press, 2017).

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